

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, et al.,

Defendants.

NO. 2:18-cv-01115-RSL

**DECLARATION OF JEFFREY RUPERT
IN SUPPORT OF STATES' MOTION TO
COMPEL PRODUCTION OF
ADMINISTRATIVE RECORD**

NOTING DATE: AUGUST 24, 2018

I, Jeffrey Rupert, declare as follows:

1. I am over the age of 18 and have personal knowledge of all the facts stated herein.
2. I am Chief of the Complex Litigation Division in the Washington Attorney General's Office and counsel of record for the State of Washington.
3. Attached here to as Exhibit A is a true and correct copy of the transcript of the July 31, 2018 United States Department of State Press Briefing by Heather Nauert.
4. On August 1, 2018, I spoke to Stuart J. Robinson, of the U.S. Department of Justice, via telephone. During that conversation we discussed when the administrative record would be submitted but did not reach an agreement. On August 1, 2018, I sent a follow up email

1 to Mr. Robinson and Eric Soskin, also from the Department of Justice, again requesting when
2 the administrative record would be submitted. A true and correct copy of that email is attached
3 hereto as Exhibit B.

4 5. In an additional email on August 1, 2018, I again requested information on when
5 the Department of Justice was proposing to file the administrative record. A true and correct
6 copy of that email is attached hereto as Exhibit C.

7 6. On August 5 and 6, 2018, I attempted to confer by email with Mr. Robinson and
8 Mr. Soskin to discuss when the Administrative Record in this matter would be submitted. True
9 and correct copies of my emails are attached hereto as Exhibits D and E.

10 7. In those emails, I advised government counsel of my intent to raise this issue with
11 the Court if a response was not received on when we would receive the Administrative Record.

12 8. On August 6, 2018, I received a responsive email from Mr. Soskin. A true and
13 correct copy of that email is attached hereto as Exhibit F.

14 9. On August 7, 2018, I spoke by telephone with Mr. Robinson. I informed
15 Mr. Robinson that the States requested Federal Defendants to produce the administrative record by
16 August 15, 2018, and if they did not the States would file a motion to compel production of the
17 record so it could be used in preliminary injunction proceedings. I confirmed this conversation in
18 an e-mail to Mr. Robinson dated August 7, 2018. A true and correct copy of that email is attached
19 hereto as Exhibit G.

20 10. Also on August 7, 2018, Mr. Robinson responded by e-mail that the Federal
21 Defendants did not agree to produce the administrative record by August 15, 2018. A true and
22 correct copy of this email is attached hereto as Exhibit H.

1 11. I hereby certify that the States contacted Federal Defendants by telephone in an
2 attempt to resolve their motion without Court intervention.

3 I declare under penalty of perjury under the laws of the State of Washington and the
4 United States of America that the foregoing is true and correct.

5 DATED this 7th day of August, 2018, at Seattle, Washington.

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7 /s/ Jeffrey Rupert
8 JEFFREY RUPERT
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DATED this 7th day of August, 2018, at Seattle, Washington.

JEFFREY RUPERT